

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY HENDRIX,

Defendant.

OPINION AND ORDER

06-cr-54-bbc
08-cv-274-bbc

Defendant Larry Hendrix has filed a motion for post conviction relief under 28 U.S.C. § 2255, seeking a reduction in the sentence imposed on him on December 6, 2006. Defendant alleges that under recent Supreme Court cases, his sentence must be modified.

Defendant filed a motion for post conviction relief in 2008 and a motion under Fed. R. Civ. P. 60, in 2009. Once defendant filed a motion for post-conviction relief, he lost his right to file any successive motion unless he obtained certification from a panel of the Court of Appeals for the Seventh Circuit, 28 U.S.C. § 2255 ¶8. He has not obtained certification for filing this motion. Therefore, it must be dismissed without consideration of its untimeliness, the merits of the claim or defendant's right to bring a post conviction motion

after he gave up his opportunity to appeal.

ORDER

IT IS ORDERED that defendant Larry Hendrix's motion for vacation of his sentence pursuant to 28 U.S.C. § 2255 is DISMISSED because this court lacks the authority to entertain it.

Entered this 23rd day of February, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge